

REMARKS

Claims 47 and 60-73 are pending. Applicants elect Group 31 (claim 47 related to a method for stimulation of NK cytotoxicity comprising contacting NK cells with an antibody or a binding fragment thereof that binds specifically to SEQ ID NO:2) with traverse for examination on the merits. Applicants reserve the right to prosecute nonelected subject matter in further patent applications.

Reconsideration of the restriction requirement is requested.

The amendments are supported by the original disclosure and, thus, no new matter has been added. Dependent claims 60-73 have been added. Claims 60-63 specify SEQ ID NO:4-7, respectively. Claims 64-72 correspond to claims 24-28 and 34-37 respectively. Claim 73 recites the antibodies assayed in the examples (see page 35, lines 14-15, of the specification).

The different amino acid sequences identified by the Examiner are patentably distinct, but it would not constitute an undue burden for more than one sequence to be examined in this application because, in particular, the M.P.E.P. § 803.4 refers to the sua sponte waiver of 37 CFR 1.141 et seq. and states that "up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction" (emphasis added). In accordance with this direction, Applicants urge that all of the pending claims directed to amino acid sequences SEQ ID NOS:2 and 4-7 should be examined in this application.

In the alternative, it is noted that claim 47 is a generic or linking claim and that examination should proceed under the provisions of M.P.E.P. § 809. SEQ ID NO:2 is structurally related to SEQ ID NOS:4-7. The amino acid sequences are functionally related because SEQ ID NOS:4-7 are fragments of SEQ ID NO:2 (human NKp30): SEQ ID NO:4 is the extracellular region of human NKp30, SEQ ID NO:5 is the trans-membrane region of human NKp30, SEQ ID NO:6 is the cytoplasmic tail of human NKp30, and SEQ ID NO:7 is a 15-amino acid immunogenic peptide derived from SEQ ID NO:2 (see page 4, lines 5-11, of the specification).

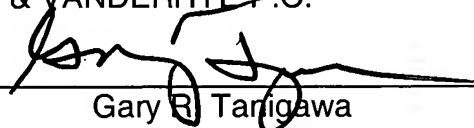
Thus, although the inventions identified by the Examiner are separately patentable, it would not constitute an undue burden to search and examine the claims of Groups 31-35 in the same application. Both the need for compact prosecution and the public interest would be served by examination of all the pending claims in a single application.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Gary R. Tanigawa
Reg. No. 43,180

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100